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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

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Federal Communications Commission  
Office of the Secretary

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Honorable Jim Bunning  
House of Representatives  
116 Cannon House Office Bldg.  
Washington, D. C. 20515-1704

Dear Congressman Bunning:

Thank you for your letter concerning the Commission's proposals to allocate spectrum for emerging technologies, which includes personal communications services (PCS). Your constituent, Cincinnati Gas and Electric Company, expressed concern to you regarding proposals to reallocate frequencies at 2 GHz that would impact its current use of those frequencies.

On January 16, 1992, the Commission adopted a Notice of Proposed Rule Making (Notice) in ET Docket No. 92-9 that proposes allocating 220 MHz of spectrum at 2 GHz for use by new services and technologies. The Office of Engineering and Technology has developed a fact sheet which outlines this proposal. I have enclosed a copy for your information. In addition, because there has been some confusion about how this proposal would impact public safety agencies, I have enclosed a fact sheet which describes how those agencies would be affected by certain spectrum policies currently under consideration.

Briefly, under the Commission's proposal, state and local government licensees, including public safety agencies, would indefinitely continue their current operations on a primary basis. Other existing licensees would be permitted to continue their current operations on a primary basis for a period of time to be established - such as 10 or 15 years. Subsequently, they would be permitted to continue operating only on a secondary basis. Expansion and new microwave systems would be permitted on a primary basis only at higher frequencies. In conjunction with the Notice, the Commission released a staff study of existing use of this spectrum and identified other suitable frequencies available for this purpose. To further facilitate accommodation of the competing demands for this spectrum, the Commission also proposed to permit negotiation of financial arrangements between existing licensees and parties proposing new services. Such an approach would facilitate access to this spectrum for services employing emerging technologies.

These provisions are intended to prevent disruption to the communications of the existing licensees, yet still provide the spectrum needed by U.S. companies to develop new and innovative telecommunications products and services and bolster U.S.

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Honorable Jim Bunning

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competitiveness in world telecommunications markets. An example of one such new proposed service is the personal communications service (PCS), which the Commission is addressing concurrently in GEN Docket No. 90-314.

The needs of the existing 2 GHz users are of importance to the Commission, and are being taken carefully into consideration. Please be assured that the concerns of Cincinnati Gas and Electric will be taken into account before a final determination is made in this matter. For that purpose, I am making your letter part of the record in the two dockets discussed above, ET Docket No. 92-9 and GEN Docket No. 90-314.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred C. Sikes', with a stylized flourish at the end.

Alfred C. Sikes  
Chairman

Enclosures

JIM BUNNING  
4TH DISTRICT, KENTUCKY

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February 6, 1992

Mr. Alfred Sikes  
Chairman, FCC  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Sikes:

It has come to my attention that the Federal Communication Commission has adopted a policy statement and order which would establish a Personal Communications System using bands of spectrum already in use by public service industries in Kentucky.

Specifically, the FCC order proposes that a microwave spectrum currently used by the Cincinnati Gas and Electric Company be allocated to PCS. If the FCC goes ahead with this proposal, CG&E would have to relocate and reconstruct many of their microwave links at a considerable cost which would be passed along to the consumers.

I urge you to examine this proposal before it is enacted. Thank you for your consideration of this request.

Best personal regards,

  
JIM BUNNING  
Member of Congress

JB/mag

## ACTIVITIES AFFECTING STATE AND LOCAL GOVERNMENT SPECTRUM

### Emerging Technology Band Proposal

- o In January 1992, the FCC proposed to reallocate 220 MHz of the 2 GHz frequency band. The FCC proposed that this 220 MHz be used for new emerging technologies. Such new services could include:
  - Personal Communications Services and Networks (PCS & PCN)
  - Low Earth Orbit (LEO) Satellite Services
  - Wireless Computer Networking
  - Digital Audio Broadcasting
- o FCC proposal is consistent with international activity looking at this frequency band for future advanced mobile services. Countries in Europe and Asia plan to use 2 GHz spectrum for new technologies, such as PCS.
- o FCC proposal would encourage U.S. competitiveness and the domestic development of new services and technology by making available new spectrum for such uses.
- o Impact on State and Local Governments- Existing 2 GHz microwave spectrum is currently used by a wide variety of entities and businesses to provide point-to-point communications services. State and local government entities, including public safety, have significant operations in this band. State and local government licensees represent about 20% of the users of this spectrum. To ensure that these operations would not be harmed, the FCC proposed that:
  - All existing state and local government operations, including public safety, be exempted from any mandatory move to higher frequencies.
  - Such operations can continue to operate indefinitely and would be protected from interference from any future new technology operations.

### License Fees For State and Local Government

- o Impact on State and Local Governments- None. Public safety licensees are exempted from all FCC processing fees (Omnibus Budget Reconciliation Act (1989), Section 1.1112(b) of the FCC Rules).

### Congressionally Initiated Spectrum Bills

- o Impact on State and Local Governments- None. Spectrum bills [H.R. 531, S. 2904 (Dingell, Inouye)] would reallocate spectrum from Federal government use to non-Government use. While public safety licensees have raised concern with the bills, the bills do not affect public safety licensees.

## FCC PROPOSAL FOR EMERGING TECHNOLOGY BANDS AT 2 GHZ

**PURPOSE:** To present the FCC proposal to reallocate spectrum for emerging technologies.

**BACKGROUND:**

- o On January 16, 1992, the FCC proposed to reallocate 220 MHz of spectrum at 2 GHz from fixed microwave service to new emerging technologies.
  - Final rules will be addressed by FCC after consideration of comments that can be filed until May 21, 1992.
  - The spectrum is currently used to provide point-to-point communications for a variety of services, such as utilities, railroads, public service (including public safety), businesses, and cellular telephone.
  - Emerging technology services could include new mobile services and mobile-satellite services:
    - \* Personal Communications Services (PCS) and Networks (PCN)
    - \* Mobile-Satellite Services, including Low Earth Orbit (LEO) Satellite Systems
    - \* Wireless Computer Networks (Data PCS)
- o Growing demand from U.S. companies to develop new, innovative technologies and services has put great pressure on FCC for suitable spectrum:
  - Current requests at FCC seen for up to 400 MHz for new emerging technology.
  - Additional allocations of 800 MHz for expansion of existing services envisioned.
- o Other countries are allocating large blocks of spectrum around 2 GHz for new mobile services and emerging technologies in order to foster their domestic manufacturing.
  - Japan has allocated 100 MHz and is considering an additional 400 MHz.
  - U.K has allocated 174 MHz.
  - The European Community is considering allocating up to 320 MHz.
- o The 2 GHz band is the best band for the new mobile technologies and services.
  - 2 GHz is where state-of-the-art mobile communications are being developed internationally.
  - 2 GHz fixed microwave band is the only band that is available for development of new mobile services.
    - \* Lower bands are heavily used by services (such as broadcast TV) that can not be relocated to higher bands.
    - \* Higher bands are limited by current technology that will not allow for commercial development of electronics for mobile technologies.
- o The 2 GHz fixed microwave operations may relocate in any of over a half-dozen higher fixed microwave bands.
  - These bands provide sufficient capacity to reaccommodate existing 2 GHz operations.
  - Intermediate sites will generally not be required.
  - Systems of comparable or higher reliability can be designed in the higher bands

- through common engineering practices.
- The cost of relocating existing 2 GHz operations does not present an economic barrier to relocation. (See proposal)

#### FCC PROPOSAL:

- o Current 2 GHz microwave users would be permitted to negotiate during a transition period financial and other arrangements with new service providers to assist in the relocation to new frequencies. Marketplace negotiations would encourage a timely transfer of spectrum and could permit current users to modernize their equipment and move to other microwave spectrum at no financial cost to themselves. (Existing public service users, including public safety, would continue undisturbed indefinitely, but would be permitted to negotiate a transfer, if they choose.) FCC is considering three alternative transitions:
  - Fixed Transition: One alternative would be to permit current microwave users to operate on a co-primary basis for a lengthy transitional time period during which the negotiations could occur; FCC proposed 10 or 15 years.
  - Phased Transition: Another approach might be to adopt a phased allocation in which blocks of frequencies would be made available for new services at intervals (e.g., 50 MHz every five years).
  - Unlimited Transition: An alternative would be to permit existing users to continue to operate on a co-primary basis indefinitely while permitting negotiations for the use of the spectrum.
- o New emerging technology services would be permitted access to the 2 GHz bands only on the condition that they not interfere with current fixed microwave operations during the transition.
- o FCC proposes to waive eligibility restrictions to permit easier relocation of existing 2 GHz users to higher fixed microwave bands.
- o Expansion of existing microwave systems or introduction of new microwave systems at 2 GHz would be permitted only on the condition they not cause interference to new services; of course, new microwave systems or expansion of existing systems at higher microwave bands is encouraged without conditions.
- o After the transition period all 2 GHz microwave operations, except public service (public safety) which is permitted to remain unconditionally, would be allowed to remain in the band on the condition that they protect new services. (This permits, for example, microwave systems to operate indefinitely in rural areas where we would not expect great demand for many of the new services.)
- o FCC has also requested comment on the possibility of making available for relocation purposes government spectrum adjacent to the proposed 2 GHz band.